

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WIRELESS INK CORPORATION,

Plaintiff,

10 Civ. 1841 (PKC)

-against-

FACEBOOK, INC. and GOOGLE, INC.,

Defendants.
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WIRELESS INK CORPORATION,

Plaintiff,

11 Civ. 1751 (PKC)

-against-

FACEBOOK, INC.; GOOGLE, INC.;
YOUTUBE, INC.; YOUTUBE, LLC;
and MYSPACE, INC.

Defendants.
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CASTEL, District Judge:

The paper pushing in these actions is breathtaking. Counsel for plaintiff Wireless Ink Corp. has submitted a letter complete with citations to Rule 408, Fed. R. Evid., the Advisory Notes thereto and case law decided thereunder by the Fourth and Eighth Circuits to explain why he would like to file a sur-reply memorandum by November 11, 2013 addressing the proper scope of Rule 408.

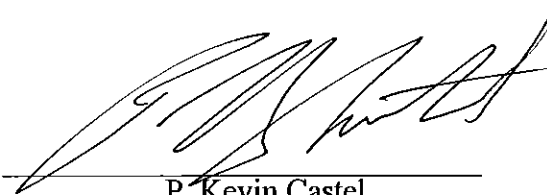
What more would plaintiff like to say on the proper scope of Rule 408 than he has not already said in his letter? If granted, a sur-reply, ought not the Court afford the other side a sur-sur reply and to him a sur-sur-sur reply?

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ORDER

The application to file a sur-reply set forth in plaintiff counsel's November 6, 2013 letter to the Court is DENIED without prejudice to reassertion, if counsel chooses, with answers to the Court's questions. The Court will, however, consider the November 6 letter in deciding the motion.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
November 6, 2013